

students with the skills and abilities necessary to apply computational thinking in the digital world.

“(3) COMPUTATIONAL THINKING.—The term ‘computational thinking’ means critical thinking skills that—

“(A) include knowledge of how problems and solutions can be expressed in such a way that allows them to be modeled or solved using a computer or machine;

“(B) include the use of strategies related to problem decomposition, pattern matching, abstractions, modularity, and algorithm design; and

“(C) involve creative problem solving skills and are applicable across a wide range of disciplines and careers.”.

**SA 2003.** Mr. PAUL (for himself, Mr. JOHNSON, Mr. TUBERVILLE, Mr. MARSHALL, Mr. BRAUN, and Mr. TILLIS) proposed an amendment to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . PROHIBITION ON FUNDING FOR GAIN-OF-FUNCTION RESEARCH CONDUCTED IN CHINA.**

(a) IN GENERAL.—No funds made available to any Federal agency, including the National Institutes of Health, may be used to conduct gain-of-function research in China.

(b) DEFINITION OF GAIN-OF-FUNCTION RESEARCH.—In this section, the term ‘gain-of-function research’ means any research project that may be reasonably anticipated to confer attributes to influenza, MERS, or SARS viruses such that the virus would have enhanced pathogenicity or transmissibility in mammals.

**SA 2004.** Mr. SASSE (for himself and Mr. BENNET) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V of division B, insert the following:

**SEC. \_\_\_\_ . PLAN FOR ARTIFICIAL INTELLIGENCE DIGITAL ECOSYSTEM.**

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Director of National Intelligence shall—

(1) develop a plan for the development and resourcing of a modern digital ecosystem that embraces state-of-the-art tools and modern processes to enable development, testing, fielding, and continuous update of artificial intelligence-powered applications at speed and scale from headquarters to the tactical edge; and

(2) submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the

House of Representatives the plan developed under paragraph (1).

(b) CONTENTS OF PLAN.—At a minimum, the plan required by subsection (a) shall include the following:

(1) A roadmap for adopting a hoteling model to allow trusted small- and medium-sized artificial intelligence companies access to classified facilities on a flexible basis.

(2) An open architecture and an evolving reference design and guidance for needed technical investments in the proposed ecosystem that address issues, including common interfaces, authentication, applications, platforms, software, hardware, and data infrastructure.

(3) A governance structure, together with associated policies and guidance, to drive the implementation of the reference throughout the intelligence community on a federated basis.

(c) FORM.—The plan submitted under subsection (a)(2) shall be submitted in unclassified form, but may include a classified annex.

**SA 2005.** Mrs. BLACKBURN (for herself and Mr. LUJÁN) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V of division B, add the following:

**SEC. \_\_\_\_ . STUDY ON NATIONAL LABORATORY CONSORTIUM FOR CYBER RESILIENCE.**

(a) STUDY REQUIRED.—The Secretary of Energy shall, in consultation with the Secretary of Homeland Security and the Secretary of Defense, conduct a study to analyze the feasibility of authorizing a consortia within the National Laboratory system to address information technology and operational technology cybersecurity vulnerabilities in critical infrastructure (as defined in section 1016(e) of the Critical Infrastructure Protection Act of 2001 (42 U.S.C. 5195c(e))).

(b) ELEMENTS.—The study required under subsection (a) shall include the following:

(1) An analysis of any additional authorities needed to establish a research and development program to leverage the expertise at the Department of Energy National Laboratories to accelerate development and delivery of advanced tools and techniques to defend critical infrastructure against cyber intrusions and enable resilient operations during a cyber attack.

(2) Evaluation of potential pilot programs in research, innovation transfer, academic partnerships, and industry partnerships for critical infrastructure protection research.

(3) Identification of and assessment of near-term actions, and cost estimates, necessary for the proposed consortia to be established and effective at a broad scale expeditiously.

(c) REPORT.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Energy shall submit to the appropriate committees of Congress a report on the findings of the Secretary with respect to the study conducted under subsection (a).

(2) FORM.—The report submitted under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ‘appropriate committees of Congress’ means—

(A) the Committee on Energy and Natural Resources, the Committee on Armed Services, the Committee on Homeland Security and Government Affairs, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Energy and Commerce, the Committee on Armed Services, the Committee on Homeland Security, and the Permanent Select Committee on Intelligence of the House of Representatives.

**SA 2006.** Mr. HAGERTY submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . REASONABLE, NON-DISCRIMINATORY ACCESS TO ONLINE COMMUNICATIONS PLATFORMS; BLOCKING AND SCREENING OF OFFENSIVE MATERIAL.**

(a) IN GENERAL.—Part I of title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.) is amended—

(1) by striking section 230; and

(2) by adding at the end the following:

**“SEC. 232. REASONABLE, NON-DISCRIMINATORY ACCESS TO ONLINE COMMUNICATIONS PLATFORMS; BLOCKING AND SCREENING OF OFFENSIVE MATERIAL.**

“(a) FINDINGS.—Congress finds the following:

“(1) The rapidly developing array of internet and other interactive computer services available to individual Americans represent an extraordinary advance in the availability of educational and informational resources to our citizens.

“(2) These services often offer users a great degree of control over the information that they receive, as well as the potential for even greater control in the future as technology continues to develop.

“(3) The internet and other interactive computer services offer a forum for a true diversity of political discourse and viewpoints, unique opportunities for cultural development, and myriad avenues for intellectual activity, and regulation of the internet must be tailored to supporting those activities.

“(4) The internet and other interactive computer services have flourished, to the benefit of all Americans, with a minimum of government regulation, and regulation should be limited to what is necessary to preserve the societal benefits provided by the internet.

“(5) Increasingly Americans rely on internet platforms and websites for a variety of political, educational, cultural, and entertainment services and for communication with one another.

“(b) POLICY.—It is the policy of the United States—

“(1) to promote the continued development of the internet and other interactive computer services and other interactive media;

“(2) to preserve a vibrant and competitive free market for the internet and other interactive computer services;

“(3) to encourage the development of technologies which maximize user control over what information is received by individuals, families, and schools who use the internet and other interactive computer services, rather than control and censorship driven by interactive computer services;

“(4) to facilitate the development and utilization of blocking and filtering technologies that empower parents to restrict their children's access to objectionable or inappropriate online material;

“(5)(A) to ensure that the internet serves as an open forum for—

“(i) a true diversity of discourse and viewpoints, including political discourse and viewpoints;

“(ii) unique opportunities for cultural development; and

“(iii) myriad avenues for intellectual activity; and

“(B) given that the internet is the dominant platform for communication and public debate today, to ensure that major internet communications platforms, which function as common carriers in terms of their size, usage, and necessity, are available to all users on reasonable and non-discriminatory terms free from public or private censorship of religious and political speech;

“(6) to promote consumer protection and transparency regarding information and content management practices by major internet platforms to—

“(A) ensure that consumers understand—

“(i) the products they are using; and

“(ii) what information is being presented to them and why; and

“(B) prevent deceptive or undetectable actions that filter the information presented to consumers; and

“(7) to ensure vigorous enforcement of Federal criminal laws to deter and punish trafficking in online obscenity, stalking, and harassment.

“(c) REASONABLE AND NONDISCRIMINATORY ACCESS TO COMMON CARRIER TECHNOLOGY COMPANIES.—

“(1) IN GENERAL.—A common carrier technology company, with respect to the interactive computer service provided by the company—

“(A) shall furnish the interactive computer service to all persons upon reasonable request;

“(B) may not unjustly or unreasonably discriminate in charges, practices, classifications, regulations, facilities, treatment, or services for or in connection with the furnishing of the interactive computer service, directly or indirectly, by any means or device;

“(C) may not make or give any undue or unreasonable preference or advantage to any particular person, class of persons, political or religious group or affiliation, or locality; and

“(D) may not subject any particular person, class of persons, political or religious group or affiliation, or locality to any undue or unreasonable prejudice or disadvantage.

“(2) APPLICABILITY TO BROADBAND.—Paragraph (1) shall not apply with respect to the provision of broadband internet access service.

“(d) CONSUMER PROTECTION AND TRANSPARENCY REGARDING COMMON CARRIER TECHNOLOGY COMPANIES.—

“(1) IN GENERAL.—A common carrier technology company shall disclose, through a publicly available, easily accessible website, accurate material regarding the content

management, moderation, promotion, account termination and suspension, and curation mechanisms and practices of the company sufficient to enable—

“(A) consumers to make informed choices regarding use of the interactive computer service provided by the company; and

“(B) persons to develop, market, and maintain consumer-driven content management mechanisms with respect to the interactive computer service provided by the company.

“(2) BEST PRACTICES.—The Commission, after soliciting comments from the public, shall publish best practices for common carrier technology companies to disclose content management, moderation, promotion, account termination and suspension, and curation mechanisms and practices in accordance with paragraph (1).

“(3) APPLICABILITY TO BROADBAND.—Paragraph (1) shall not apply with respect to the provision of broadband internet access service.

“(e) PROTECTION FOR ‘GOOD SAMARITAN’ BLOCKING AND SCREENING OF OFFENSIVE MATERIAL.—

“(1) TREATMENT OF PUBLISHER OR SPEAKER.—

“(A) IN GENERAL.—No provider or user of an interactive computer service shall be treated as the publisher or speaker of any material provided by another information content provider.

“(B) EXCEPTION.—Subparagraph (A) shall not apply to any affirmative act by a provider or user of an interactive computer service with respect to material posted on the interactive computer service, whether the act is carried out manually or through use of an algorithm or other automated or semi-automated process, including—

“(i) providing its own material;

“(ii) commenting or editorializing on, promoting, recommending, or increasing or decreasing the dissemination or visibility to users of its own material or material provided by another information content provider;

“(iii) restricting access to or availability of material provided by another information content provider; or

“(iv) barring or limiting any information content provider from using the interactive computer service.

“(2) CIVIL LIABILITY.—

“(A) IN GENERAL.—No provider or user of an interactive computer service shall be held liable, under subsection (c) or otherwise, on account of—

“(i) any action voluntarily taken in good faith to restrict access to or availability of material that the provider or user considers to be obscene, lewd, lascivious, filthy, excessively violent, harassing, promoting self-harm, or unlawful, whether or not such material is constitutionally protected; or

“(ii) any action taken to enable or make available to information content providers or others the technical means to restrict access to material described in clause (i).

“(B) DEFINITIONS.—For purposes of subparagraph (A)—

“(i) the term ‘excessively violent’, with respect to material, means material that—

“(I) is likely to be deemed violent and for mature audiences according to the V-chip regulations and TV Parental Guidelines of the Commission promulgated under sections 303(x) and 330(c)(4); or

“(II) constitutes or intends to advocate domestic terrorism or international terrorism, as defined in section 2331 of title 18, United States Code;

“(ii) the term ‘harassing’ means material that—

“(I) is—

“(aa) provided by an information content provider with the intent to abuse, threaten, or harass any specific person; and

“(bb) lacking in any serious literary, artistic, political, or scientific value;

“(II) violates the CAN-SPAM Act of 2003 (15 U.S.C. 7701 et seq.); or

“(III) is malicious computer code intended (whether or not by the immediate disseminator) to damage or interfere with the operation of a computer;

“(iii) the term ‘in good faith’, with respect to restricting access to or availability of specific material, means the provider or user—

“(I) restricts access to or availability of material consistent with publicly available online terms of service or use that—

“(aa) state plainly and with particularity the criteria that the provider or user of the interactive computer service employs in its content moderation practices, including by any partially or fully automated processes; and

“(bb) are in effect on the date on which the material is first posted;

“(II) has an objectively reasonable belief that the material falls within one of the categories listed in subparagraph (A)(i);

“(III)(aa) does not restrict access to or availability of material on deceptive or pretextual grounds; and

“(bb) does not apply its terms of service or use to restrict access to or availability of material that is similarly situated to material that the provider or user of the interactive computer service intentionally declines to restrict; and

“(IV) supplies the information content provider of the material with timely notice describing with particularity the reasonable factual basis for the restriction of access and a meaningful opportunity to respond, unless the provider or user of the interactive computer service has an objectively reasonable belief that—

“(aa) the material is related to terrorism or criminal activity; or

“(bb) such notice would risk imminent physical harm to others; and

“(iv) the terms ‘obscene’, ‘lewd’, ‘lascivious’, and ‘filthy’, with respect to material, mean material that—

“(I) taken as a whole—

“(aa) appeals to the prurient interest in sex or portrays sexual conduct in a patently offensive way; and

“(bb) does not have serious literary, artistic, political, or scientific value;

“(II) depicts or describes sexual or excretory organs or activities in terms patently offensive to the average person, applying contemporary community standards; or

“(III) signifies the form of immorality which has relation to sexual impurity, taking into account the standards at common law in prosecutions for obscene libel.

“(C) BEST PRACTICES.—The Commission, after soliciting comments from the public, shall publish best practices for making publicly available online terms of service or use that state plainly and with particularity the criteria that the provider or user of an interactive computer service employs in its content moderation practices, including by any partially or fully automated processes, in accordance with subparagraph (B)(iii)(I).

“(f) VIOLATIONS.—

“(1) PRIVATE RIGHT OF ACTION.—

“(A) IN GENERAL.—A person aggrieved by a violation of subsection (c) or (d) may bring a civil action against the provider or user of an interactive computer service that committed the violation for any relief permitted under subparagraph (B) of this paragraph.

“(B) RELIEF.—

“(i) IN GENERAL.—The plaintiff may seek the following relief in a civil action brought under subparagraph (A):

“(I) An injunction.

“(II) An award that is the greater of—

“(aa) actual damages; or

“(bb) damages in the amount of \$500 for each violation.

“(ii) WILLFUL OR KNOWING VIOLATIONS.—In a civil action brought under subparagraph (A), if the court finds that the defendant willfully or knowingly violated subsection (c) or (d), the court may, in its discretion, increase the amount of the award to not more than 3 times the amount available under clause (i)(II) of this subparagraph.

“(2) ACTIONS BY STATES.—

“(A) AUTHORITY OF STATES.—

“(i) IN GENERAL.—Whenever the attorney general of a State, or an official or agency designated by a State, has reason to believe that any person has engaged or is engaging in a pattern or practice of violating subsection (c) or (d) that has threatened or adversely affected or is threatening or adversely affecting an interest of the residents of that State, the State may bring a civil action against the person on behalf of the residents of the State for any relief permitted under clause (ii) of this subparagraph.

“(ii) RELIEF.—

“(I) IN GENERAL.—The plaintiff may seek the following relief in a civil action brought under clause (i):

“(aa) An injunction.

“(bb) An award that is the greater of—

“(AA) actual damages; or

“(BB) damages in the amount of \$500 for each violation.

“(II) WILLFUL OR KNOWING VIOLATIONS.—In a civil action brought under clause (i), if the court finds that the defendant willfully or knowingly violated subsection (c) or (d), the court may, in its discretion, increase the amount of the award to not more than 3 times the amount available under subclause (I)(bb) of this clause.

“(B) INVESTIGATORY POWERS.—For purposes of bringing a civil action under this paragraph, nothing in this section shall prevent the attorney general of a State, or an official or agency designated by a State, from exercising the powers conferred on the attorney general or the official by the laws of the State to—

“(i) conduct investigations;

“(ii) administer oaths or affirmations; or

“(iii) compel the attendance of witnesses or the production of documentary and other evidence.

“(C) EFFECT ON STATE COURT PROCEEDINGS.—Nothing in this paragraph shall be construed to prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any general civil or criminal statute of the State.

“(D) ATTORNEY GENERAL DEFINED.—For purposes of this paragraph, the term ‘attorney general’ means the chief legal officer of a State.

“(3) VENUE; SERVICE OF PROCESS.—

“(A) VENUE.—A civil action brought under this subsection may be brought in the location where—

“(i) the defendant—

“(I) is found;

“(II) is an inhabitant; or

“(III) transacts business; or

“(ii) the violation occurred or is occurring.

“(B) SERVICE OF PROCESS.—Process in a civil action brought under this subsection may be served where the defendant—

“(i) is an inhabitant; or

“(ii) may be found.

“(g) OBLIGATIONS OF INTERACTIVE COMPUTER SERVICE.—A provider of an interactive computer service shall, at the time of entering an agreement with a customer for the provision of interactive computer service and in a manner deemed appropriate by the provider, notify the customer that parental

control protections (such as computer hardware, software, or filtering services) are commercially available that may assist the customer in limiting access to material that is harmful to minors. The notice shall identify, or provide the customer with access to material identifying, current providers of such protections.

“(h) EFFECT ON OTHER LAWS.—

“(1) NO EFFECT ON CRIMINAL LAW.—Nothing in this section shall be construed to impair the enforcement of section 223 or 231 of this Act, chapter 71 (relating to obscenity) or 110 (relating to sexual exploitation of children) of title 18, United States Code, or any other Federal criminal statute.

“(2) NO EFFECT ON INTELLECTUAL PROPERTY LAW.—Nothing in this section shall be construed to limit or expand any law pertaining to intellectual property.

“(3) STATE LAW.—Nothing in this section shall be construed to prevent any State from enforcing any State law that is consistent with this section. No cause of action may be brought and no liability may be imposed under any State or local law that is inconsistent with this section.

“(4) NO EFFECT ON COMMUNICATIONS PRIVACY LAW.—Nothing in this section shall be construed to limit the application of the Electronic Communications Privacy Act of 1986 or any of the amendments made by such Act, or any similar State law.

“(5) NO EFFECT ON SEX TRAFFICKING LAW.—Nothing in this section (other than subsection (e)(2)(A)(i)) shall be construed to impair or limit—

“(A) any claim in a civil action brought under section 1595 of title 18, United States Code, if the conduct underlying the claim constitutes a violation of section 1591 of that title;

“(B) any charge in a criminal prosecution brought under State law if the conduct underlying the charge would constitute a violation of section 1591 of title 18, United States Code; or

“(C) any charge in a criminal prosecution brought under State law if the conduct underlying the charge would constitute a violation of section 2421A of title 18, United States Code, and promotion or facilitation of prostitution is illegal in the jurisdiction where the defendant’s promotion or facilitation of prostitution was targeted.

“(i) DEFINITIONS.—As used in this section:

“(1) ACCESS SOFTWARE PROVIDER.—The term ‘access software provider’ means a provider of software (including client or server software), or enabling tools that do any one or more of the following:

“(A) Filter, screen, allow, or disallow material.

“(B) Pick, choose, analyze, or digest material.

“(C) Transmit, receive, display, forward, cache, search, subset, organize, reorganize, or translate material.

“(2) BROADBAND INTERNET ACCESS SERVICE.—The term ‘broadband internet access service’ has the meaning given the term in section 8.1(b) of title 47, Code of Federal Regulations, or any successor regulation.

“(3) COMMON CARRIER TECHNOLOGY COMPANY.—The term ‘common carrier technology company’ means a provider of an interactive computer service that—

“(A) offers its services to the public; and

“(B) has more than 100,000,000 worldwide active monthly users.

“(4) INFORMATION CONTENT PROVIDER.—

“(A) IN GENERAL.—The term ‘information content provider’ means any person or entity that is responsible, in whole or in part, for the creation or development of material provided through the internet or any other interactive computer service.

“(B) RESPONSIBILITY DEFINED.—For purposes of subparagraph (A), the term ‘responsible, in whole or in part, for the creation or development of material’ includes affirmatively and substantively contributing to, modifying, altering, presenting with a reasonably discernible viewpoint, commenting upon, or editorializing about material provided by another person or entity.

“(5) INTERACTIVE COMPUTER SERVICE.—The term ‘interactive computer service’ means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the internet and such systems operated or services offered by libraries or educational institutions.

“(6) INTERNET.—The term ‘internet’ means the international computer network of both Federal and non-Federal interoperable packet switched data networks.

“(7) MATERIAL.—The term ‘material’ means any data, regardless of physical form or characteristic, including—

“(A) written or printed matter, information, automated information systems storage media, maps, charts, paintings, drawings, films, photographs, images, videos, engravings, sketches, working notes, or papers, or reproductions of any such things by any means or process; and

“(B) sound, voice, magnetic, or electronic recordings.”

(b) CONFORMING AMENDMENTS.—

(1) COMMUNICATIONS ACT OF 1934.—The Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended—

(A) in section 223(h)(2) (47 U.S.C. 223(h)(2)), by striking “section 230(f)(2)” and inserting “section 232”; and

(B) in section 231(b)(4) (47 U.S.C. 231(b)(4)), by striking “section 230” and inserting “section 232”.

(2) TRADEMARK ACT OF 1946.—Section 45 of the Act entitled “An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes”, approved July 5, 1946 (commonly known as the “Trademark Act of 1946”) (15 U.S.C. 1127) is amended by striking the definition relating to the term “Internet” and inserting the following:

“The term ‘internet’ has the meaning given that term in section 232 of the Communications Act of 1934.”

(3) TITLE 17, UNITED STATES CODE.—Section 1401(g) of title 17, United States Code, is amended—

(A) by striking “section 230 of the Communications Act of 1934 (47 U.S.C. 230)” and inserting “section 232 of the Communications Act of 1934”; and

(B) by striking “subsection (e)(2) of such section 230” and inserting “subsection (h)(2) of such section 232”.

(4) TITLE 18, UNITED STATES CODE.—Part I of title 18, United States Code, is amended—

(A) in section 2257(h)(2)(B)(v), by striking “section 230(c) of the Communications Act of 1934 (47 U.S.C. 230(c))” and inserting “section 232(e) of the Communications Act of 1934”; and

(B) in section 2421A—

(i) in subsection (a), by striking “(as such term is defined in defined in section 230(f) the Communications Act of 1934 (47 U.S.C. 230(f)))” and inserting “(as that term is defined in section 232 of the Communications Act of 1934)”; and

(ii) in subsection (b), by striking “(as such term is defined in defined in section 230(f) the Communications Act of 1934 (47 U.S.C. 230(f)))” and inserting “(as that term is defined in section 232 of the Communications Act of 1934)”.

(5) CONTROLLED SUBSTANCES ACT.—Section 401(h)(3)(A)(iii)(II) of the Controlled Substances Act (21 U.S.C. 841(h)(3)(A)(iii)(II)) is amended by striking “section 230(c) of the Communications Act of 1934” and inserting “section 232(e) of the Communications Act of 1934”.

(6) WEBB-KENYON ACT.—Section 3(b)(1) of the Act entitled “An Act divesting intoxicating liquors of their interstate character in certain cases”, approved March 1, 1913 (commonly known as the “Webb-Kenyon Act”) (27 U.S.C. 122b(b)(1)) is amended by striking “(as defined in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f))” and inserting “(as defined in section 232 of the Communications Act of 1934)”.

(7) TITLE 28, UNITED STATES CODE.—Section 4102 of title 28, United States Code, is amended—

(A) in subsection (c)—

(i) by striking “section 230 of the Communications Act of 1934 (47 U.S.C. 230)” and inserting “section 232 of the Communications Act of 1934”; and

(ii) by striking “section 230 if” and inserting “that section if”; and

(B) in subsection (e)(2), by striking “section 230 of the Communications Act of 1934 (47 U.S.C. 230)” and inserting “section 232 of the Communications Act of 1934”.

(8) TITLE 31, UNITED STATES CODE.—Section 5362(6) of title 31, United States Code, is amended by striking “section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f))” and inserting “section 232 of the Communications Act of 1934”.

(9) NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION ORGANIZATION ACT.—Section 157(e)(1) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 941(e)(1)) is amended, in the matter preceding subparagraph (A), by striking “section 230(c) of the Communications Act of 1934 (47 U.S.C. 230(c))” and inserting “section 232(e) of the Communications Act of 1934”.

(C) APPLICABILITY.—Subsections (c) and (d) of section 232 of the Communications Act of 1934, as added by subsection (a), shall apply to a common carrier technology company on and after the date that is 90 days after the date of enactment of this Act.

**SA 2007.** Mr. HAGERTY submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE \_\_\_\_\_—PROTECT ELECTORAL COLLEGE ACT**

**SEC. \_\_\_\_01. SHORT TITLE.**

This title may be cited as the “Protecting the Right to Organized, Transparent Elections through a Constitutionally Trustworthy Electoral College Act (PROTECT Electoral College Act)”.

**SEC. \_\_\_\_02. REPORT ON 2020 GENERAL ELECTION.**

(a) DEFINITIONS.—For purposes of this section:

(1) 2016 PRESIDENTIAL ELECTION.—The term “2016 Presidential election” means the gen-

eral election for Federal office occurring in 2016.

(2) 2020 PRESIDENTIAL ELECTION.—The term “2020 Presidential election” means the general election for Federal office occurring in 2020.

(3) APPLICABLE ELECTION SECURITY FUNDS.—The term “applicable election security funds” means the amount of grant funding provided to the State by the Election Assistance Commission—

(A) from amounts appropriated under the heading “Election Assistance Commission, Election Security Grants” in the Financial Services and General Government Appropriations Act, 2020 (Public Law 116-93); or

(B) from amounts appropriated under the heading “Election Assistance Commission, Election Security Grants” in the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136).

(4) STATE.—The term “State” has the meaning given such term under section 901 of the Help America Vote Act of 2002 (52 U.S.C. 21141), except that such term shall include the Commonwealth of the Northern Mariana Islands.

(5) UNSOLICITED MAIL-IN BALLOT.—The term “unsolicited mail-in ballot” means any ballot sent to a voter by mail if—

(A) such ballot was not specifically requested by the voter; or

(B) the ballot request by the voter was initiated by the mailing of a ballot application not specifically requested by the voter.

(6) UNSOLICITED MAIL-IN BALLOT PERCENTAGE.—The term “unsolicited mail-in ballot percentage” means the number of unsolicited mail-in ballots distributed in the State as a percentage of the number of total ballots provided to voters in the State.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress and make publicly available a report on the 2020 Presidential election.

(2) MATTERS INCLUDED.—The report submitted under paragraph (1) shall include the following with respect to each State: that received applicable election security funds:

(A) UNSOLICITED MAIL-IN BALLOT PERCENTAGE.—

(i) IN GENERAL.—An analysis of whether the unsolicited mail-in ballot percentage for State for the 2020 Presidential election was greater than the unsolicited mail-in ballot percentage for the State for the 2016 Presidential election.

(ii) RELEVANT AUTHORITY FOR ANY INCREASE.—If the Comptroller General determines that the unsolicited mail-in ballot percentage for the State for the 2020 Presidential election was greater than the unsolicited mail-in ballot percentage for the State for the 2016 Presidential election, the Comptroller General shall provide a description of any change in authority (including any statutory change relating to the distribution of unsolicited mail-in ballots), action, or directive concerning unsolicited mail-in ballots occurring between the 2016 Presidential election and 2020 Presidential election that may have led to such result.

(B) MAIL-IN VOTER VERIFICATION PROCEDURES.—

(i) IN GENERAL.—An analysis of whether there were changes in the State’s methods and processes used to verify the identification of voters who vote using mail-in ballots, including signature verification requirements, that applied with respect to the 2020 Presidential election but did not apply to the 2016 Presidential election.

(ii) RELEVANT AUTHORITY FOR CHANGES.—If the Comptroller General determines that there were changes in the State’s mail-in voter verification procedures described in

clause (i), the Comptroller General shall provide a description of any authority (including any statutory authority), action, or directive that led to such change.

(C) OTHER ELECTION PROCEDURES.—

(i) IN GENERAL.—An analysis of whether the State materially altered or changed its election procedures for the 2020 Presidential election (other than procedures described in subparagraph (B)) from the procedures in effect for the 2016 Presidential election.

(ii) RELEVANT AUTHORITY FOR CHANGES.—If the Comptroller General determines that there were changes in the election procedures described in clause (i), the Comptroller General shall provide a description of any authority (including any statutory authority), action, or directive that led to such change.

(D) MAIL-IN BALLOT COLLECTION.—

(i) IN GENERAL.—An analysis of whether there were specific, documented allegations of a person other than a voter or a voter’s family member or caregiver collecting or returning the voter’s completed ballot in the 2020 Presidential election.

(ii) RELEVANT AUTHORITY FOR COLLECTION.—If the Comptroller General determines that there were specific, documented allegations described in clause (i), the Comptroller General shall provide a description of any authority (including any statutory authority), action, or directive permitting such collection or return.

(E) OBSERVATION OF BALLOT COUNTING.—An analysis of whether the State has a statute providing for third-party observation of ballot counting, and if so, whether there were specific, documented instances in connection with the 2020 Presidential election in which the State is alleged to have failed to comply with such statute.

(F) FAILURE TO ENFORCE.—An analysis of whether there were specific, documented instances in connection with the 2020 Presidential election in which the State allegedly failed to enforce one or more of its election statutes (other than a statute described in subparagraph (E)).

(G) USE OF APPLICABLE ELECTION SECURITY FUNDS.—In the case of a State that received applicable election security funds, an analysis of—

(i) whether such funds were used to make expenditures with respect to the 2020 Presidential election;

(ii) whether such funds were used in connection with any activity carried out pursuant to an authority, action, or directive described in subparagraph (A)(ii), (B)(ii), (C)(ii), or (D)(ii); and

(iii) whether the State complied with all statutory and other conditions imposed in connection with the receipt of such funds.

(H) SUBSEQUENT STATE ACTIONS.—A description of any of the following actions taken by the State legislature:

(i) The passage of a resolution expressing an opinion on, or the submission to Congress or the Comptroller General of a communication relating to, the items described in subparagraphs (A) through (G).

(ii) The enactment, after the completion of the 2020 Presidential election, of legislation regarding any authority, action, or directive described in subparagraph (A)(ii), (B)(ii), (C)(ii), or (D)(ii) or any failure described in subparagraph (E) or (F).

**SEC. \_\_\_\_03. TEMPORARY SUSPENSION OF, AND REQUIREMENTS FOR, FUTURE ELECTION ASSISTANCE GRANTS.**

(a) IN GENERAL.—Subtitle D of title II of the Help America Vote Act of 2002 (52 U.S.C. 20901 et seq.) is amended by adding at the end the following new part: